

A PUBLICATION OF THE MONTANA WATERCOURSE

**Compiled by Rachel Kyle
July, 1998.**

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WHO DOES WHAT WITH MONTANA'S WETLANDS

Wetlands, like other natural resources, are vital components of the Montana landscape. Wetlands serve highly important ecological, economic, recreational, and aesthetic functions. In terms of human benefits, wetlands provide such functions as: flood water retention, trapping of sediments, water quality improvement, groundwater recharge, and recreational opportunities.

Wetlands also provide environmental benefits. Many fish and wildlife species are wetlands dependent. Threatened and endangered species such as whooping cranes, piping plover, and bald eagles also depend on wetlands. Wetlands provide habitat for many freshwater fish and upland game birds, and afford stopover feeding and breeding grounds for migratory waterfowl. Some of the nation's most valuable waterfowl production areas are the prairie pothole region of the northern Great Plains, including wetlands of northeast Montana. As Montana's tourism industry becomes increasingly important, so do the state's wetlands for the extensive opportunities they provide for fishing, hunting, camping, and viewing wildlife.

Many agencies, organizations, and programs are involved in managing wetlands, providing wetlands technical assistance and information, and regulating activities in wetlands. This directory provides a summary of those entities and programs within Montana. The organizations and programs described herein are grouped into three categories:

- financial and technical information;
- general information;
- regulatory information.

The Financial and Technical Information section describes federal, state and private organizations and programs that provide various types of financial and/or technical information for wetland related activities. The General Information section lists agencies, organizations and programs that offer wetland education, assessment or planning assistance as well as general information on wetland activities within Montana. The Regulatory Information section includes federal and state regulatory mechanisms that are used in managing wetlands.

HOW TO USE THIS PUBLICATION:

For easy cross referencing, agencies and programs that are defined in the directory have been highlighted in bold type. There are also two easy to use matrices (page VI - IX) which can be helpful for quick identification of an organization or program. Acronyms are described in the front of the booklet, on page V.

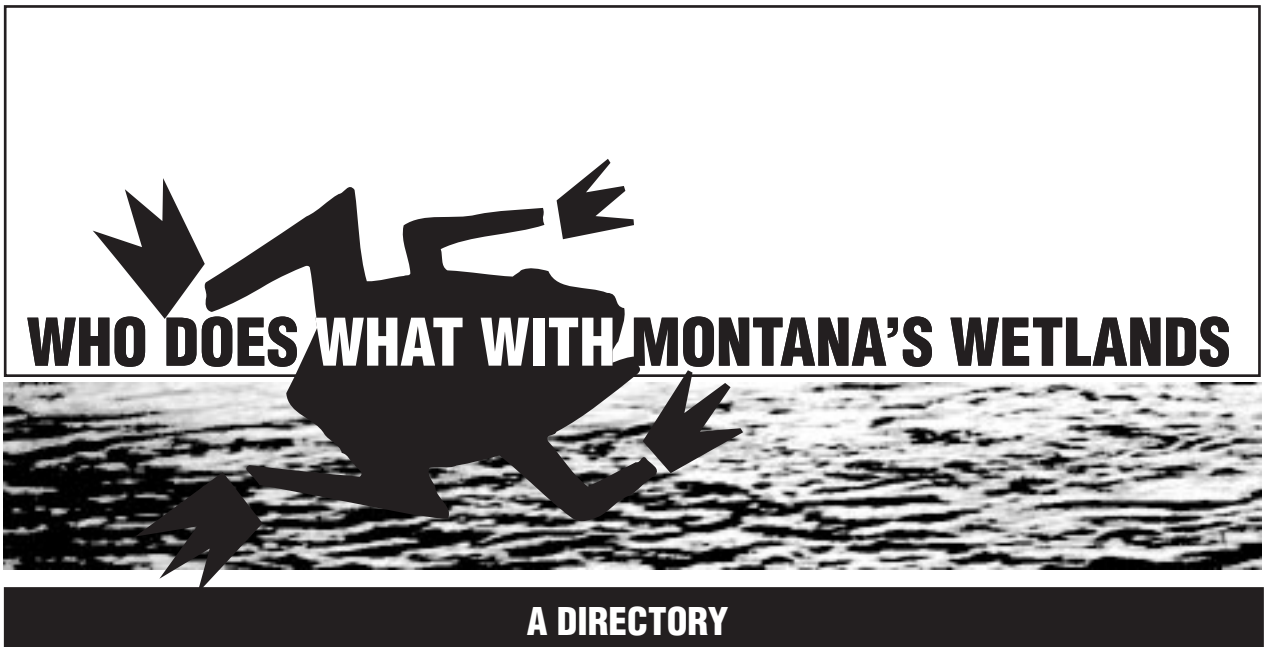
The Montana Watercourse hopes that this directory provides useful information for landowners, public employees, and natural resource and environmental managers to help them navigate the diverse terrain of wetlands resources, agencies and information materials.

ACRONYMS

ADID	Advanced Identification (Section 404 of the Clean Water Act)
BLM	Bureau of Land Management
BMP	best management practices
BOR	Bureau of Reclamation
BRD	Biological Resources Division of the USGS
CCC	Commodity Credit Corporation
COE	Corps of Engineers
CRP	Conservation Reserve Program
CWA	Clean Water Act
DEQ	Department of Environmental Quality (Montana)
DFWP	Department of Fish, Wildlife and Parks (Montana)
DNRC	Department of Natural Resources and Conservation
DU	Ducks Unlimited
EIS	environmental impact statement
EPA	U.S. Environmental Protection Agency
EQC	Environmental Quality Council
EQIP	Environmental Quality Incentives Program
ESA	Endangered Species Act
EWP	Emergency Watershed Program/Floodplain Easement Program
EWRA	Emergency Wetland Resources Act
FPP	Farmland Protection Program
FSA	Farm Services Agency
FSP	Forest Stewardship Program
FVLT	Five Valleys Land Trust
FWCA	Fish and Wildlife Coordination Act
FWS	U.S. Fish and Wildlife Service
GVLTL	Gallatin Valley Land Trust
HGM	hydrogeomorphic
KYW	Know Your Watershed Workshops
LWCF	Land and Water Conservation Fund
LWQD	Local Water Quality District
MACD	Montana Association of Conservation Districts
MDT	Montana Department of Transportation
MEPA	Montana Environmental Policy Act
MLR	Montana Land Reliance
MPDES	Montana Pollution Discharge Elimination System
MRTA	Montana Riparian and Wetlands Association
MTNHP	Montana Natural Heritage Program
MWF	Montana Wildlife Federation
NAWCA	North American Wetland Conservation Act
NAWMP	North American Waterfowl Management Plan
NBII	National Biological Information Infrastructure
NBS	National Biological Survey
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NPS	nonpoint source
NRCS	Natural Resources Conservation Service
NRIS	Natural Resource Information System
NWF	National Wildlife Federation
NWI	National Wetland Inventory
NWPCP	National Wetlands Priority Conservation Plan
PFW	Partners for Wildlife
RC&D	Resources Conservation and Development Council Program
RWRP	Riparian and Wetland Research Program
SCORP	State Comprehensive Outdoor Recreation Plans
SIP	Stewardship Incentive Program
TU	Trout Unlimited
USDA	U.S. Department of Agriculture
USDI	U.S. Department of the Interior
USGS	U.S. Geologic Survey
WEA	Wildlife Extension Agreement
WET	Water Education for Teachers
WHIP	Wildlife Habitat Incentives Program
WOW	Wonder of Wetlands Workshops
WRP	Wetlands Reserve Program

WHO DOES WHAT WITH MONTANA'S WETLANDS





THE MONTANA WATERCOURSE

Challenge Cost-Share Program

USDI-BLM

OVERVIEW

The Bureau of Land Management uses various range improvement, cost-share, and specially appropriated funds for riparian/wetland work on public land in Montana.

Section 124 of the Omnibus Consolidated Appropriations Act provides a framework by which the BLM may provide funds through watershed restoration and enhancement agreements covering public or private lands (or both) to restore and maintain fish, wildlife, and other biotic resources on public lands within specific watersheds.

ELIGIBILITY

- Priority areas for funding include riparian/wetland on-the-ground projects.

ASSISTANCE PROVIDED

- The non-federal partners which help leverage these funds include DFWP, **Ducks Unlimited**, universities, **Trout Unlimited**, and many others.
- Other federal agencies also provide funds where benefits to their organizations can be demonstrated.
- The Challenge Cost-Share program has annually provided over \$400,000 to match federal funds with non-federal funds and in-kind services to accomplish work within fish, wildlife, threatened, endangered and riparian programs.

LEGISLATIVE AUTHORITY

- Section 124 of the Omnibus Consolidated Appropriations Act of 1997, P.L. 104-208

CONTACTS

Person: Bob Haburchak
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222 North 32nd Street
P.O. Box 36800
Billings, MT 59107
Telephone: (406) 255-2798

RELATED PROGRAMS

NAWCA, National Fish and Wildlife Foundation



Conservation Reserve Program (CRP)

**USDA-Farm
Services Agency**

OVERVIEW

CRP is a voluntary program that offers annual rental payments and cost-share assistance to establish long-term resource-conserving covers on eligible land. The Commodity Credit Corporation (CCC) makes these annual rental payments based on agriculture rental value of the land and provides cost share assistance in the amount equal to not more than 50 percent of the participant's costs in establishing approved practices. The duration of the costs are from 10-15 years.

ELIGIBILITY

To be eligible under continuous sign-up, land must first meet the basic CRP eligibility requirements. Acceptable land is the following:

- Cropland that was planted or considered planted to an agricultural commodity 2 of the 5 most recent crop years (including field margins) which is also physically and legally capable of being planted in a normal manner to an agricultural commodity;
- Marginal pasture land that is suitable for use as a riparian buffer to be planted to trees;
- The acreage must also be determined by the Natural Resources Conservation Service (NRCS) to be eligible and suitable for any of the following practices — cross wind trap strips, riparian buffers, filter strips, grassed waterways, shelter belts, field windbreaks, living snow fences, contour grass strips, salt tolerant vegetation, shallow water areas for wildlife.

ASSISTANCE PROVIDED

- The CCC bases rental rates on the average value of dryland cash rent or the cash rent equivalent for the past three years and adjusts rates to reflect the relative productivity of soils within each county. The maximum CRP rental rate is calculated in advance of enrollment.
- The CCC will pay up to 50 percent of the cost of establishing permanent cover.

LEGISLATIVE AUTHORITY

- The Food Security Act of 1985

CONTACTS

Person: Dave Heilig
Address: USDA-Natural Resources Conservation Service
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10 East Babcock Street
Bozeman, MT 59715
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RELATED PROGRAMS

Wetland Reserve Program, Nonpoint Source Implementation Grants, Environmental Quality Incentives Program



Emergency Watershed Program/Floodplain Easement Program

USDA-NRCS

OVERVIEW

This program works through local government sponsors and helps participants solve natural resource and related economic problems on a watershed basis. Projects include watershed protection, flood prevention, erosion and sediment control, water supply, water quality, fish and wildlife habitat enhancement, wetlands creation and restoration, and public recreation in watersheds of 250,000 or fewer acres. Technical and financial assistance is available for installation of works of improvement to protect, develop, and utilize the land and water resources in small watersheds.

ELIGIBILITY

- Local or State agency, county, municipality, town or township, soil and water conservation district, flood prevention or flood control district, Indian Tribe or Tribal Organization, or nonprofit agency with authority to carry out, maintain, and operate watershed improvement works.

ASSISTANCE PROVIDED

- Cost sharing. Funds cover 100 percent of flood prevention construction costs; 50 percent of construction costs related to agricultural water management, recreation and fish and wildlife; and none of the costs for other municipal and industrial water management.
- Technical assistance and counseling.

FEDERAL FUNDING LEVEL

- FY 96 \$100 million
- FY 97 \$100 million
- FY 98 \$40 million estimated financial assistance (technical assistance is proposed to be funded under a different program).

LEGISLATIVE AUTHORITY

- Watershed Protection and Flood Prevention Act, Authority P.L. 83-566, as amended and P.L. 78-534

CONTACTS

Person: D. James Suit, P.E.
State Conservation Engineer

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10 East Babcock Street
Bozeman, MT 59715

Telephone: (406)587-6822

E-Mail: jjms@mt.nrcs.usda.gov

RELATED PROGRAMS

Nonpoint Source Implementation Grants, **Environmental Quality Incentives Program**



Environmental Quality Incentives Program (EQIP)

USDA-NRCS

OVERVIEW

The Environmental Quality Incentives Program (EQIP) was established to provide a single, voluntary conservation program for farmers and ranchers to address significant natural resources concerns. The program provides technical, financial, and educational assistance. Half of the funds are targeted to livestock-related natural resource concerns and the other half to other natural resource priorities. Approximately 65% of EQIP funding is available for priority areas and 35% is available to natural resource concerns and objectives outside priority areas.

Four programs were replaced to create EQIP: the Agricultural Conservation Program, Water Quality Incentives Program, Great Plains Conservation Program, and the Colorado River Basin Salinity Control Program.

ELIGIBILITY

- EQIP eligibility is limited to persons who are engaged in livestock or agricultural production.
- Eligible land includes cropland, rangeland, pasture, forest land, and other farm and ranch lands on which crops or livestock are produced.

ASSISTANCE PROVIDED

- Cost sharing: Up to 75% of actual costs of certain conservation practices;
- Incentive payments: Up to 3 years, paid at a flat rate;
- Maximum of \$10,000 per person for any fiscal year and \$50,000 for any multi-year contract.

FEDERAL FUNDING LEVEL

- FY 96: \$130 million
- FY 97: \$200 million
- FY 98 to FY 02: \$200 million per year (estimated)

LEGISLATIVE AUTHORITY

- 1996 Farm Bill

CONTACTS

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Farmland Protection Program

USDA-NRCS

OVERVIEW

The Farmland Protection Program (FPP) is a voluntary program that helps farmers keep their land in agriculture. The program provides funding to State, local, or tribal entities with existing farmland protection programs to purchase conservation easements or other interests. The goal of the program is to protect between 170,000 and 340,000 acres of farmland. The U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) has been designated as the lead agency in implementing this program.

Applications for the FPP come from States, tribes, and local governments that have existing farmland protection programs. Priority is given to applications that strive for perpetual easements, although a minimum of 30 years is required. Applicants that protect locally significant lands are also considered if they are economically viable units.

ELIGIBILITY

To qualify for FPP, the land offered must:

- Be prime, unique or other productive soil;
- Be part of a pending offer from a State, local, or tribal farmland protection program;
- Be privately owned;
- Be large enough to sustain agricultural production;
- Be accessible to markets for what the land produces and have adequate infrastructure and agricultural support services;
- Have surrounding parcels of land that can support long-term agricultural production.

ASSISTANCE PROVIDED

- USDA joins with State, local, or tribal governments to acquire conservation easements or other interests from landowners. Participating landowners choose to keep their land in agriculture and agree not to convert the land to nonagricultural use. Landowners retain all rights to use the property for agriculture. All lands enrolled must have a conservation plan developed according to the NRCS Field Office Technical Guide.

FEDERAL FUNDING LEVEL

- Total funding for the FPP, established in the 1996 Farm Bill, is \$35 million over six years.

LEGISLATIVE AUTHORITY

- Public Law 104-127 - Title III, subtitle H, Section 388. Federal Agricultural Improvement and Reform Act of 1996.

CONTACTS

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RELATED PROGRAMS

Conservation Reserve Program, Environmental Quality Incentive Program, Wildlife Habitat Improvement Program, Wetland Reserve Program



Forest Stewardship (FSP) and Stewardship Incentive Program (SIP)

USDA-NRCS

OVERVIEW

The Forest Stewardship and Stewardship Incentive programs are companion programs intended to provide technical and financial assistance to non-industrial private forest landowners who want to protect and enhance their forest lands and associated wetlands and wildlife habitat. The FSP offers technical assistance to landowners for developing a Forest Stewardship Plan which addresses all natural resource concerns on the property. In Montana, the FSP provides landowners with a training workshop which gives them background to develop their own management plan if they wish. SIP provides financial cost share assistance to landowners who choose to have the management plan developed by other resource professionals, including support for implementing practices specified in the plan.

ELIGIBILITY

- Non-industrial private forest landowners;
- Must own from 10 to 1000 acres of forest land (up to 5000 acres with an approved waiver);
- Activities must be maintained for at least 10 years;
- Providing public access is not required for eligibility.

ASSISTANCE PROVIDED

- Plan development is available from NRCS, DNRC Forestry or may be contracted with a resource professional.
- SIP provides 75 percent financial cost-share for plan development and for implementation of approved planned practices.

FEDERAL FUNDING LEVEL

- Approximately \$120,000 annually (Montana's share)

LEGISLATIVE AUTHORITY

- 1990 Farm Bill

CONTACTS

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RELATED PROGRAMS

Forestry Incentive Program (FIP)



Intermountain Riparian/Wetland Resource Technical Team

USDA-NRCS

OVERVIEW

The Intermountain Riparian/Wetland Resource Technical Team works in Colorado, Wyoming, and Montana. The team is involved with riparian and wetland technology development and transfer through bio-engineering training sessions, riparian ecology training and management. The team also provides training opportunities while completing riparian assessments for field office and conservation district personnel. The team includes Forrest Berg, Stream Mechanics Engineer; Terry Costner, Hydraulic Engineer; Bob Leinard, Plant Ecologist; Marcus Miller, Wetland Biologist; Sandra Wyman, Range Management Specialist; Chris Noble, Soil Scientist; Joe Carlton, Forage Agronomist; Larry Murphy, Fisheries Biologist. The team is also working on development of hydrogeomorphic models for Riverine, low gradient, fine substrate systems and other wetland types.

CONTACTS

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Nonpoint Source Management Grant Program

EPA

OVERVIEW

Under Clean Water Act Section 319(h), EPA is authorized to dispense federal grant funds to delegated state NPS programs to conduct NPS efforts in the state. Cooperative agreements are made between EPA and the state, enabling federal funds to be distributed. The state NPS program dispenses a portion of these funds to sponsors of NPS projects to support these efforts. The state must match the federal contributions of 60% with a 40% match for the total award. States make applications for funding annually. Approximately \$1.3 million has been allocated to Montana in each of the past several years. More information can be obtained by contacting the MT DEQ Resource Protection Planning Bureau.

ELIGIBILITY

Applicant

- States and Indian Tribes.

Beneficiary

- State and local governments; Indian Tribes;
- Nonprofit organizations (may submit applications for funds in accordance with the State's work program).

ASSISTANCE PROVIDED

- Formula grants are awarded to a lead agency in each State;
- States/local organizations are required to provide 40 percent of total project or program cost.

FEDERAL FUNDING LEVEL

- FY 1996 \$100 million
- FY 1997 \$100 million
- FY 1998 \$100 million (estimated)

LEGISLATIVE AUTHORITY

- Clean Water Act Section 319(h)

CONTACTS

	<u>Federal</u>	<u>State</u>
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Telephone	(406)441-1140 x231	(406)444-5319
E-Mail	blodnick.richard@epamail.epa.gov	stlehman@mt.gov

RELATED PROGRAMS

Pollution Prevention Grants Program, **Environmental Quality Incentives Program**



North American Waterfowl Management Plan (NAWMP) and North American Wetland Conservation Act (NAWCA)

USDA-USFWS

OVERVIEW

NAWMP, a partnership enacted in 1986, is an international effort to reverse waterfowl population declines in North America. Under this plan, U.S., Canadian, and Mexican partners agreed to pool their resources to conserve millions of acres of waterfowl habitat in specific joint venture areas deemed critical to waterfowl. The joint ventures have primarily tried to pursue non-regulatory strategies which can be implemented through voluntary and cooperative actions. All agencies, groups, or individuals having interests in wetlands, waterfowl, other wetland wildlife, soil and water conservation, and sustainable resource use are encouraged to join these partnerships. Two such ventures currently are in effect in Montana; the Prairie Pothole Joint Venture (PPJV) and the Intermountain West Joint Venture (IWJV). The PPJV in Montana has three project focus areas. These are Northeastern Montana (Sheridan, Daniels, and Roosevelt counties), Beaver Creek (Phillips, Valley, and Blaine counties), and Five Valleys (Flathead, Lake, Powell, Granite, and Missoula counties).

The North American Wetland Conservation Act (NAWCA) is a principal fund source for the NAWMP. The Act created the North American Wetlands Conservation Fund designed to help support projects on public and private lands. A nine-member council is established to review annual project proposals submitted by partners for funding under the Act. Projects that fall within established Joint Ventures receive highest priority.

ELIGIBILITY

- Public or private, profit or nonprofit entities or individuals establishing public-private sector partnerships.

ASSISTANCE PROVIDED

- Project grants (cooperative agreements and contracts);
- Cost-share partners must at least match grant funds 1:1 with U.S. non-federal dollars.

FEDERAL FUNDING LEVEL

- Fed. FY 96 \$30 million (NAWCA)
- FY 97 \$40 million (NAWCA)
- FY 98 \$40 million (NAWCA; estimated)

LEGISLATIVE AUTHORITY

- 1989 North American Wetlands Conservation Act, as amended
- Coastal Wetlands, Planning, Protection, and Restoration Act, as amended

CONTACTS

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Montana Partners for Wildlife Program
c/o Benton Lake National Wildlife Refuge
922 Bootlegger Trail
Great Falls, MT 53404-6133
Telephone: (406) 727-7400 x24



Partners for Wildlife Program

USDA-USFWS

OVERVIEW

Partners for Wildlife (PFW) is the U.S. Fish and Wildlife Service's private lands program. The program provides funding and technical assistance to private landowners interested in fish and wildlife habitat projects on their land. Projects are evaluated from a biological and cost/benefit standpoint. The program is strictly voluntary. Initially, PFW focused exclusively on wetland habitat work, but since 1992 instream and riparian restoration, grazing management, native and prairie restoration, fish and wildlife - friendly irrigation systems, and a myriad of other projects are also eligible. Montana focus areas include the Blackfoot Valley, Rocky Mountain Front, Northeastern Montana, Beaver Creek, Mission Valley, and Centennial Valley.

ELIGIBILITY

- Landowner must sign a Wildlife Extension Agreement (WEA);
- WEA does not require landowner's to provide hunter access;
- Matching funds and fund raising partnerships are critical.

ASSISTANCE PROVIDED

- \$500,000 to \$750,000 available in Montana annually;
- Program is flexible - landowner's economic goals are considered.

CONTACTS

Person: James Stutzman
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Montana Partners for Wildlife Program
c/o Benton Lake National Wildlife Refuge
922 Bootlegger Trail
Great Falls, MT 53404-6133
Telephone: (406) 727-7400 x24
Internet: www/fws/pfw/montana/mt1.htm

Resource Conservation and Development Council Program (RC&D)

USDA-NRCS

OVERVIEW

Resource Conservation and Development was created to help local citizens address problems in their areas by bringing together a cross section of local leaders with a variety of knowledge, expertise, and experience. Montana currently has seven RC&D areas - Beartooth RC&D, Northwest Regional RC&D, North Central RC&D, Headwaters RC&D, Bitter Root RC&D, Eastern Plains RC&D, and West Regional RC&D. The goal of RC&D is to encourage skilled, focused leadership which facilitates the coordination and wise use of all human and natural resources in Montana.

Opportunities for Wetlands Protection

Seventeen teachers and students from Central Montana RC&D, Inc., attended a Wild on Wetlands class which was presented in conjunction with ArcView Geographic computer software training and organized by Central MT RC&D. Several of the schools represented have water/wetlands projects including: Lewistown Spring Creek Restoration, Ryegate Oxbow Observation, and Roundup Wetlands Reclamation.

CONTACTS

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Federal Building
10 East Babcock Street
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Internet: www.gomontana.com/RC&D



Swampbuster/Wetland Conservation Provisions

USDA-NRCS

OVERVIEW

Swampbuster helps preserve the environmental functions and values of wetlands, including flood control, sediment control, groundwater recharge, water quality, wildlife habitat, recreation, and esthetics. Swampbuster discourages the conversion of wetlands on agricultural land by denying federal farm benefits to farmers who drain wetlands.

The 1996 Farm Bill changed Swampbuster to give producers greater flexibility to comply with wetland conservation requirements and to make wetlands more valuable and functional.

Wetland Determinations:

Upon request, the U.S. Department of Agriculture's (USDA) Natural Resources Conservation Service (NRCS) will determine if a producer's land has areas subject to Swampbuster. The agency maintains a list of the plants and combination of soils and plants found in Wetlands and uses these technical tools, along with the hydrology of the area, to conduct determinations. These determinations stay in effect as long as the land is used for agricultural purposes (unless a violation occurs) or until the producer requests a review due to natural events. NRCS certifies previous wetland determinations upon request.

ELIGIBILITY

- To maintain eligibility, participants must certify that they have not produced crops on converted wetlands after December 23, 1985, and did not convert a wetland after November 28, 1990, to make agricultural production possible.

ASSISTANCE PROVIDED

- Landowners have opportunities to work with USDA, conservation districts, or others to choose the best ways to mitigate wetlands.
- There are options for mitigation. These options include the kinds and locations of restoration, enhancements, or creation activities that maintain a wetland's functions and values.
- NRCS provides certified wetland determinations.

LEGISLATIVE AUTHORITY

- 1996 Farm Bill

CONTACTS

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Internet: <http://www.nrcs.usda.gov>

Wetland Development Program (Great Plains Region) USDI-BOR

OVERVIEW

The Wetland Development Program provides assistance in the form of grants or cooperative agreements to public or private organizations for improvement of wildlife habitat associated with water systems or supplies affected by BOR projects.

ELIGIBILITY

- Funds are available to Conservation Districts, tribes and private conservation groups to address wildlife habitat needs within a given area.
- Funds are also available to supplement existing programs in a basin where BOR water supplies are being affected.

ASSISTANCE PROVIDED

- The limited private lands authority under this program provides challenge cost share opportunities.
- All wetland project opportunities are predicated on committed cost or inkind service sharing.

FEDERAL FUNDING LEVEL

- \$100K

LEGISLATIVE AUTHORITY

- NAWCA
- Fish and Wildlife Coordination Act
- Endangered Species Act

CONTACTS

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FINANCIAL AND TECHNICAL INFORMATION

Non-Regulatory Federal Programs

Wetland Protection Development Grants Program

EPA

OVERVIEW

Beginning in 1990 the EPA made grants available to states and tribes for development and/or enhancement of their wetlands protection programs. Grant funds can be used for both regulatory and non-regulatory wetland protection activities. EPA Wetlands Program State/Tribal Grant Funds can be used for a variety of wetland protection activities including:

- to incorporate wetlands into state water quality standards;
- to improve Section 401 water quality certification programs to protect wetlands;
- to develop state wetland regulatory programs;
- to assist with state Section 404 assumption efforts;
- to develop statewide wetland strategies;
- training leading to development of state wetlands protection programs;
- wetland protection demonstration and restoration projects.

ELIGIBILITY

- Available to state wetlands agencies, state water quality agencies, and state agencies with wetland-related programs. Federally recognized Indian tribes are eligible for grants as well.

ASSISTANCE PROVIDED

- The grants are limited to program development and cannot be used to fund operation support;
- Grant funds are awarded on a competitive basis within an EPA region;
- Recipients cost share a minimum of 25 percent of each award's total project costs.

FEDERAL FUNDING LEVEL

- FY 90 \$1 million
- FY 91 \$5 million
- States must provide a 25-percent non-federal match.
- FY 98 \$1.5 million available within 6 states EPA Region 8 (MT, WY, CO, UT, ND, SD) for competitive review and allocation

LEGISLATIVE AUTHORITY

- EPA Wetlands Program State/Tribal Development Grants

CONTACTS

Person: Steve Potts
Address: U.S.E.P.A. Region 8
Montana Office
Federal Building, Drawer 10096
301 South Park
Helena, MT 59626-0096
Telephone: (406)441-1140 ext. 232
E-Mail: potts.stephen@epa.gov

RELATED PROGRAMS

Blackfeet Aquatic Lands Protection Ordinance, Blackfeet Wetlands Stewardship Program, Wetland Conservation Strategy for the Flathead Indian Reservation, Crow Wetlands Program, Montana Wetlands Conservation Strategy

Wetland Reserve Program (WRP)

USDA-NRCS

OVERVIEW

The Wetlands Reserve Program (WRP) is a voluntary program to restore and protect wetlands on private property. WRP provides landowners with financial incentives to enhance wetlands in exchange for retiring marginal agricultural land. Landowners may sell a conservation easement or enter into a cost-share restoration agreement. Landowners voluntarily limit future use of the land, yet retain private ownership. Landowners and the NRCS develop a plan for the restoration and maintenance of the wetland.

ELIGIBILITY

- Easement participant must have owned the land for at least 1 year. The owner can be an individual, partnership, association, corporation, estate, trust, business or other legal entity, such as a State (when applicable), political subdivision of a State, or agency thereof owning private land.
- Land must be restorable and be suitable for wildlife benefits.

ASSISTANCE PROVIDED

WRP provides three options to the landowner:

- Permanent Easement: USDA purchases easement (price is lessor of the land value or payment cap). USDA pays 100 percent of restoration costs.
- 30 year Easement: Payment will be 75 percent of what would be paid for a permanent easement. USDA pays 75 percent of restoration costs.
- Restoration Cost Share Agreement: Agreement (minimum 10 years) to restore degraded wetland habitat. USDA pays 75 percent of restoration costs.

FEDERAL FUNDING LEVEL

- FY 96 \$77 million — nationwide
- FY 97 \$106 million — nationwide
- FY 98 \$163 million — nationwide

LEGISLATIVE AUTHORITY

- Food Security Act of 1985, Title XII, Authority P.L. 99-198, as amended
- 1996 Farm Bill

CONTACTS

Person: Dave Heilig
Address: USDA-Natural Resources Conservation Service
10 East Babcock Street, Room 443
Bozeman, MT 59715
Telephone: (406)587-6789
E-Mail: dheilig@mt.nrcs.usda.gov
Internet: <http://www.mt.nrcs.usda.gov>

RELATED PROGRAMS

Conservation Reserve Program, Watershed Protection and Flood Prevention Program

Wildlife Habitat Incentives Program (WHIP)

USDA-NRCS

OVERVIEW

The Wildlife Habitat Incentives Program (WHIP) is a voluntary program for people who want to develop both technical assistance and cost sharing to help establish and improve fish and wildlife habitat. Participants work with USDA's Natural Resources Conservation Service to prepare a wildlife habitat development plan in consultation with the local conservation district. The plan describes the landowner's goals for improving wildlife habitat, includes a list of practices and a schedule for installing them. It also details the steps necessary to maintain habitat for the life of the agreement.

ELIGIBILITY

- own or have control of the land under consideration;
- not have the land already enrolled in programs that have a wildlife focus, such as the **Wetlands Reserve Program**;
- not have the land involved in mitigation.

ASSISTANCE PROVIDED

- Cost-share assistance: USDA pays up to 75 percent of the cost of installing wildlife practices.
- Technical assistance for successfully establishing habitat development projects.

FEDERAL FUNDING LEVEL

- \$50 million will be made available through FY 02 (nationwide).

LEGISLATIVE AUTHORITY

- 1996 Farm Bill

CONTACTS

Person: Dave Heilig
Address: USDA-Natural Resource Conservation Service
Federal Building, Room 443
10 East Babcock Street
Bozeman, MT 59715
Telephone: (406)587-6789
E-Mail: dheilig@mt.nrcs.usda.gov
Internet: <http://www.mt.nrcs.usda.gov>

RELATED PROGRAMS

Conservation Reserve Program, Wetlands Reserve Program

Montana Department of Transportation's Wetland Mitigation

MDT

OVERVIEW

The Montana Department of Transportation is required to mitigate for wetland impacts associated with transportation projects in accordance with section 404 of the Clean Water Act and presidential executive order #11990. MDT has constructed a number of wetland mitigation sites around the state for those wetland impacts caused by projects. The MDT coordinates with a variety of federal and state agencies to develop mitigation sites for impacts on both public and private lands. The majority of these projects are either restoration or creation efforts and involve everything from financial and technical assistance, to planning, design and construction of the sites. The MDT has also participated in cooperative projects with a number of non-profit organizations, tribal and federal agencies to jointly develop wetlands sites. In addition, MDT has in the past provided research funds for wetland/highway studies.

JURISDICTION • Statewide

**LEGISLATIVE
AUTHORITY** • Federal Transportation Trust Fund Act (1998) and State legislative authority

CONTACTS

Person: Lawrence J. Urban
Address: Wetland Mitigation Specialist
Montana Department of Transportation
2701 Prospect Avenue
P.O. Box 201001
Helena, MT 50620-1001
Telephone: (406)444-6224
E-Mail: u404@long.mdt.mt.gov
Internet: <http://www.mdt.mt.gov>



Montana Migratory Game Bird Stamp Program

MTFWP

OVERVIEW

This statewide program is funded by the sale of Montana Migratory Game Bird Stamps and associated art. At this time, about \$200,000 per year is available for wetland development projects. The emphasis is on wetland habitat projects that will increase waterfowl production and brood survival. Sites with adequate nesting cover near wetlands receive priority and typically, this includes large blocks of native or introduced grasses/legumes.

ELIGIBILITY

- Emphasis is on shallow wetland creation and restoration.
- Projects are constructed in areas with good adjacent upland nesting cover such as native rangeland or CRP enrolled acres.
- Eligible practices include restoring drained wetlands, constructing new reservoirs, repairing breached dams or damaged spillways, installing water control structures, establishing suitable upland nesting cover, and working with landowners to implement managed grazing systems.

ASSISTANCE PROVIDED AT A COST

- Program can cover up to 100 percent of construction costs and generally focuses on sites which allow the work to be completed at a cost of \$1,000-\$2,000 per wetland surface acre.
- Program generally requires reasonable public access for waterfowl hunting that is controlled by the landowner.

CONTACTS

Person: Jeff Herbert
Address: Department of Fish, Wildlife and Parks
1420 East Sixth Avenue
Helena, MT 59620-0701
Telephone: (406)444-2612
E-Mail: jherbert@mt.gov

Nonpoint Source Pollution Prevention Program

EPA-DEQ

OVERVIEW

Montana's Nonpoint Source Management Plan was initially approved by EPA in 1988 and updated in 1991. The state has concentrated its nonpoint source program on three major source categories: agriculture, mining, and forestry, and voluntary best management practices have been adopted for each of these primary source categories. The non-regulatory NPS program has emphasized watershed/groundwater protection, BMP (best management practices) demonstration projects and educational activities. Montana receives federal funds each year to fund nonpoint source pollution management.

ELIGIBILITY

Applicant

- State and Indian Tribes.

Beneficiary

- State and local governments; Indian Tribes;
- Nonprofit organizations (may submit applications for funds in accordance with the State's work program).

ASSISTANCE PROVIDED

- Formula grants are awarded to a lead agency in each State.
- State/local organizations are required to provide 40 of total project or program cost (25% for watershed restoration projects).

FEDERAL FUNDING LEVEL

- FY 1996 \$100 million
- FY 1997 \$100 million
- FY 1998 \$100 million (estimated)

LEGISLATIVE AUTHORITY

- Clean Water Act, Section 319(h)

CONTACTS

Person: Stuart Lehman
Address: Department of Environmental Quality
1520 East Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901
Telephone: (406)444-5319
E-Mail: stlehman@mt.gov
Internet: <http://www.deq.mt.gov>

RELATED PROGRAMS

Pollution Prevention Grants, **Environmental Quality Incentives Program**

Watchable Wildlife Program

MTFWP

OVERVIEW

Part of the Watchable Wildlife Program's dollars come from the wildlife (non-game) check-off provided on Montana Income Tax Forms. These dollars are used to support education, recreation, and conservation.

CONTACTS

Address: Watchable Wildlife Program
Montana Fish, Wildlife and Parks
P.O. Box 200701
Helena, MT 59620-0701

Telephone: (406)444-2612

Internet: <http://www.fwp.mt.gov>

**Note - The Watchable Wildlife Program Coordinator position is currently vacant. The program is being evaluated and assessed for the purpose of defining its future direction and focus.*

Biological Resources Division, National Biological Service

USDI-USGS

OVERVIEW

The National Biological Service (NBS) was created in 1993 from the research and related activities of seven departments of the Interior Bureaus, with the largest components coming from the U.S. Fish and Wildlife Service and the National Park Service. Smaller parts came from the Bureau of Land Management, the Bureau of Reclamation, the U.S. Geological Survey, the Minerals Management Service, and the Office of Surface Mining.

The NBS was absorbed by the US Geological Survey (USGS) as its Biological Resources Division (BRD) in October of 1996. This added a living resources dimension to the USGS earth sciences orientation, thus making it possible for the bureau to bring physical plus biological science to natural resource management problems. The mission of the BRD is to "work with others to provide the scientific understanding and technologies needed to support the sound management and conservation of our Nation's biological resources."

Opportunities for Wetland Protection

BRD programs and research include studies supporting development of annual waterfowl regulations, research leading to better land protection strategies for national parks, and investigations seeking optimal water control practices for enhancement of fisheries.

The BRD has also established a National Biological Information Infrastructure (NBII), which includes a network of distributed databases and information sources on biological resources.

The NBII can be useful for federal and state agencies, researchers, universities and museums, planning and environmental consultants, private companies, landowners, and the public.

CONTACTS

Headquarters: Biological Resources Division - USGS

Address U.S. Department of the Interior
Office of Public Affairs
12201 Sunrise Valley Drive
Reston, VA 22092

Internet <http://www.nbs.gov/>
<http://biology.usgs.gov/state.partners/mt.html>

LOCAL CONTACTS

Person:	Bob White	Dr. Roland Redmond
Address:	Cooperative Fisheries Unit 301D Lewis Hall Montana State University Bozeman, MT 59717	GAP MT State Project MT Cooperative Wildlife Research Unit University of Montana Missoula, MT 59812
Telephone:	(406) 994-2450	(406) 243-4906
E-Mail:		red@selway.umt.edu

RELATED PROGRAMS

Montana Natural Heritage Program, Wildlife Spatial Analysis Lab

GENERAL INFORMATION

Selected Federal Information

Cooperative Research Program

USDI-USGS

OVERVIEW

The U.S. Geologic Survey cooperative program provides opportunities for the USGS to work with Federal, State, and local governments to provide the technical expertise and data collection efforts needed for various wetland projects. Presently, work includes hydrogeologic assessment of wetland sites and potential wetland restoration/ mitigation sites by the USGS in cooperation with the Montana Department of Transportation. This is on a cost share basis in an agreement between the USGS and the Montana Department of Transportation (MDT).

ELIGIBILITY

- The USGS can conduct hydrologic data collection and investigations in cooperation with other Federal agencies and State and local agencies.

ASSISTANCE PROVIDED

- The USGS can provide up to one half of the cost of activities conducted in cooperation with State and local governments.

CONTACTS

Person: Sean Lawlor
Address: U.S. Geological Survey
301 South Park Avenue, Room 428
Federal Building
Helena, MT 59626
Telephone: (406)441-1319
E-Mail: slawlor@usgs.gov

Emergency Wetlands Resources Act

FWS

OVERVIEW

The purpose of the Emergency Wetland Resources Act of 1986 is to “promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands by the acquisition of wetlands and other essential habitat, and for other purposes”. Under the act, the U.S. Fish and Wildlife Service (FWS) has developed a National Wetlands Priority Conservation Plan (NWPCP) to identify the locations and types of wetlands that should be priorities for state and federal acquisition through the **Land and Water Conservation Fund Act (LWCF)**. The NWPCP may result in acquisition of “priority” wetlands that provide a high degree of public benefit, are representative of rare or declining wetlands types within an ecoregion, and are subject to identifiable threat of loss or degradation. The functions and values of wetlands, as well as historical and potential wetland loss, are criteria for determining acquisition priorities.

Opportunities for Wetland Protection

The Act requires that each state consider wetlands an important outdoor recreational resource in preparing the **State Comprehensive Outdoor Recreation Plan (SCORP)** required under the **Land and Water Conservation Fund Act**. The wetlands component of SCORP’s must be consistent with the national plan. FWS uses the state wetlands component of SCORP in preparing its regional Wetlands Concept Plans.

CONTACTS

Person: Wetlands Coordinator
Address: U.S. Fish and Wildlife Service
Box 25486, Denver Federal Center
Denver, CO 80225
Telephone: (303)236-2985

RELATED PROGRAMS

State Comprehensive Outdoor Recreation Plan (SCORP), Land and Water Conservation Fund Act (LWCF)

FISH AND WILDLIFE COORDINATION ACT

USDA-USFWS

OVERVIEW

The Fish and Wildlife Coordination Act (FWCA) provides a key role for states in evaluating the impacts of water resources development projects (such as dam construction or reclamation projects) on fish and wildlife and Clean Water Act Sections 402 and 404 permits. The goals of the evaluation are to assess the status of affected fish and wildlife resources and to prevent or mitigate their loss and damage. The Act can be used to protect wetlands that are important to fish and wildlife conservation. However, the mitigation reports are only advisory to the lead federal agency, which is not required to follow their recommendations.

JURISDICTION

- U.S. Fish and Wildlife Service is the primary agency under the FWCA.

LEGISLATIVE AUTHORITY

- Fish and Wildlife Coordination Act (16 U.S.C. section 661-668)

CONTACTS

Person: Field Supervisor
Address: Helena Field Office
100 N. Park, Suite 320
Helena, MT 59604
Telephone: (406)449-5225

LAND AND WATER CONSERVATION FUND ACT

NATIONAL PARK SERVICE (GRANTS)

OVERVIEW

The Land and Water Conservation Fund Act was amended in 1986 by the **Emergency Wetlands Resources Act**. **EWRA** recognized the contribution of wetlands in providing fish and wildlife habitat and offering significant recreational and commercial benefits. The amended LWCF Act requires states to consider wetlands in **State Comprehensive Outdoor Recreation Plan** (SCORP). Specifically, states are expected to identify the agencies and organizations involved in wetlands management, evaluate existing and proposed wetlands protection mechanisms, assess wetlands, identify wetland loss and degradation factors and establish priorities for protection.

The Land and Water Conservation Fund (LWCF), is funded primarily from receipts for offshore oil and gas leasing and development, which is used to acquire recreational lands and natural areas, including wetlands. Under the LWCF Act, each state is required to produce a **State Comprehensive Outdoor Recreation Plan** every five years to be eligible for federal assistance from the LWCF. **SCORPs** are intended to review state recreation opportunities and outline priorities for land acquisition and development of recreational facilities.

JURISDICTION

- Land and Water Conservation Fund Act (16 U.S.C. sections 4601-4 to 4601-11)

LEGISLATIVE AUTHORITY

- 1986 Emergency Wetlands Resources Act

CONTACTS

Person: Jeff Erickson
Address : FWP-Parks Division
1420 East 6th Avenue
Helena, MT 59620
Telephone: (406)444-3218
E-Mail : jerickson@mt.gov
Internet: <http://www.fwp.gov>

RELATED PROGRAMS

Emergency Wetland Resources Act (EWRA), National Wetlands Priority Conservation Plan (NWPCCP), State Comprehensive Outdoor Recreation Plan (SCORP)

GENERAL INFORMATION

Selected Federal Information

National Wetland Inventory

USDA-USFWS

OVERVIEW

The National Wetland Inventory (NWI) program is responsible for identifying, classifying, mapping, and reporting on the status of wetlands of the United States. The primary objectives of the NWI program are to develop and distribute scientific information on the extent and characteristics of U.S. wetlands and produce wetland maps that accurately represent these resources.

Currently, NWI maps are available for over 70 percent of the coterminous United States (especially in the eastern, north central, and southwestern states) and 20 percent of Alaska. The remainder will be completed this year. Digital versions, importable into many geographic information systems (GIS), are currently available for about 13 percent of the United States.

Opportunities for Wetlands Protection

NWI are the most commonly used wetlands maps and are applied extensively. The maps not only identify wetlands but also indicate wetlands type (using the Cowardin classification scheme).

CONTACTS

Organization: Earth Science Information Center

Address: U.S. Geological Survey
507 National Center
Reston, VA 22092

Telephone: (800) USA-MAPS

Chuck Elliot

U.S. Fish and Wildlife Service
Box 25486
Denver Federal Center
Denver, CO 80225
(303)236-7400 x257

U.S. Forest Service

USDA

OVERVIEW

The Forest Service (USFS) is responsible for the development, protection, and management of lands in the national forest system for leadership in forestry on state and private lands. Activities relating to water include hydrology and soil surveys, soil and water-related management services, surveillance of soil and water resources and related management activities, national forest water uses and needs (rights), research on watershed management, and planning for the forestry phases.

Opportunities for Wetland Protection

The Forest Service inventories the general location of wetlands on National Forest System lands during the land and resource management planning process. Specific wetland locations are identified during project plan inventories/assessments.

CONTACTS

Person: Anne Puffer
Address: USDA, Forest Service
P.O. Box 9152
Missoula, MT 59802
Telephone: (406) 329-3447

Wetland Mitigation Banking

COE

OVERVIEW

Mitigation banking has been defined as wetland restoration, creation, enhancement, and in exceptional circumstances, preservation undertaken expressly for the purpose of compensating for unavoidable wetland losses in advance of development actions, when such compensation cannot be achieved at the development site or would not be as environmentally beneficial. It typically involves the consolidation of small, fragmented wetland mitigation projects into one large continuous site. Units of restored, created, enhanced or preserved wetlands are expressed as "credits" which may subsequently be withdrawn to offset "debits" incurred at a project development site.

The Army Corps of Engineers office in Helena has been working with other federal, state, and local agencies to draft local procedures for the operation and use of mitigation banks in Montana. They are using the Federal Register Guidance Dated November 28, 1995 for the development of these procedures. There are still some unresolved issues regarding service areas, review teams responsibilities, etc. When the procedures get tentative approval from the work group, they will be distributed for public review.

LEGISLATIVE AUTHORITY

- Clean Water Act (CWA) Section 404 permit program

CONTACTS

Person: Jean Ramer or Doug McDonald
Address: U.S. Army Corps of Engineers
Helena Regulatory Office
301 South Park, Drawer 10014
Helena, MT 59626-0014
Telephone: (406) 441-1375

RELATED PROGRAMS

Clean Water Act Section 404, **Rivers and Harbors Act** of 1899 Section 10, Department of the Army, Section 404 Permit Regulations, **National Environmental Policy Act**

Conservation Districts

USDA-NRCS

OVERVIEW

Conservation Districts are special units of local government organized in response to public concern for the condition of natural resources in the 1930s. Today, Montana's 58 Conservation Districts provide local citizens with the opportunity to share in resource planning in their area. Conservation Districts administer the Natural Streambed and Land Preservation Act (more commonly known as the 310 Law) which requires that nongovernmental entities proposing projects disturbing the bed and banks of perennial Montana streams receive authorization through a permit from the local Conservation District. The Act does not specifically apply to disturbances to wetlands unless wetlands are found on or within the banks of perennial streams.

Opportunities for Wetland Protection

Much of the activity of Conservation Districts is centered around conservation for Wetland education and demonstration of conservation technology. Riparian and wetland Protection conservation are important elements of the districts' education/demonstration programs.

CONTACTS

Person:	Mike Volesky	Steve Schmitz
Address:	MT Association of Conservation Districts Cons. Dist. Bureau 501 N. Sanders Helena, MT 59601	DNRC USF&G Building 1625 Eleventh Avenue P.O. Box 201601 Helena, MT 59620
Telephone:	(406) 443-5711	(406) 444-6691
E-Mail:	macd@me.net	
Internet:	www.mt.net/macd	

GENERAL INFORMATION

Selected State Information

Development of the Hydrogeomorphic (HGM) Approach to Functional Wetland Assessment

The University
of Montana

OVERVIEW

Currently two regional subclass models and guidebooks for functional assessment of wetlands are being developed in Montana. These two HGM Models and guidebook development projects were initiated in spring 1996. There are now two post-interagency/interdisciplinary workshop draft models available; one for Intermontane Pothole Wetlands (Hauer and Cook 1996), the other for Alluvial, Gravel-bed River Floodplain Wetlands (Hauer and Cook 1996). Working draft models and guidebooks will be out for review in Spring and Fall 1998, respectively.

Opportunities for Wetland Protection

When completed, the HGM approach and associated Guidebooks will standardize regional wetland assessments for the wetland subclasses for which they were designed. These will also offer a standardized method for monitoring wetland restoration and creation projects. Additionally, where wetland assessments are required by law (through Section 404 of the Clean Water Act) the HGM approach will be the preferred method of use by the federal regulatory agencies, where available.

CONTACTS

Person:	F. Richard Hauer	Brad Cook
Address:	Flathead Biological Station Lane 311 Bio Station Lane Polson, MT 59860-9659	Division of Biological Sciences The University of Montana Missoula, MT 59812
Telephone:	(406)982-3301	(406)243-5935
E-Mail:	rhauer@selway.umt.edu	bjcook@selway.umt.edu

RELATED PROGRAMS

Corps of Engineers Reg. V, Section 404(b)(1) of the Clean Water Act,
Montana 401 Water Quality Certification

Ducks Unlimited

OVERVIEW

The mission of Ducks Unlimited is to fulfill the annual life cycle needs of North American waterfowl by protecting, enhancing, restoring and managing important wetlands and associated uplands.

OPPORTUNITIES FOR WETLAND PROTECTION

- Tax exempt status means tax benefits for those who donate land, money or conservation easements.
- Assistance to landowners who wish to create/restore wetlands;
- Cooperation with government agencies in the design and restoration of wetlands, on private, state and federal lands;
- Information about conservation easements, estate matters, and trusts.

CONTACTS

Person:	Steve Bayless	National Office
Address:	Ducks Unlimited, Inc. 5225 Collins Drive Helena, MT 50602	One Waterfowl Way Memphis, TN 38120
Telephone:	(406)458-5794	
E-Mail:	MrshcrkFrm@aol.com	
Internet:	www.ducks.org	

Environmental Quality Council

OVERVIEW

The Environmental Quality Council is not a grant program. Instead, it is a group of state legislators and members of the general public that meet regularly to assess and refine state natural resource policy. The staff of the Council are located in the State Capitol in Helena, and are available to provide information on resource policy to anyone who is interested. Also, issues related to state natural resource policy can be raised to the Council, who may decide to direct the staff to research those issues further and develop policy options for them to consider. The Council often sponsors state legislation, and has been quite successful in getting their bills passed.

The Council is also responsible for overseeing Montana's natural resource agencies, to ensure they are effectively implementing state natural resource policy. Council staff also provide technical assistance on the implementation of the Montana Environmental Policy Act — the law requiring state agencies to prepare environmental review documents for any significant decisions they plan to make. Last, the Council and its staff regularly produce a variety of publications, including; an index to environmental permitting, a "state of the environment" report, citizens' guides to water quality and water rights regulation, the "MEPA Handbook", specific study reports, and reviews of natural resource legislation. Council staff welcome questions regarding state policy and how it is implemented, as well as how they can better serve Montanans interested in their environment.

OPPORTUNITIES FOR WETLAND PROTECTION

- Persons can contact Council staff to obtain information about Montana's natural resource policies, or about proposed legislation related to natural resources.
- Persons concerned about whether state laws are being properly implemented can request Council staff to look into an issue, or can also request to speak at a Council meeting regarding their issue.
- Persons wishing to propose changes to Montana's natural resource laws can request the Council to provide a hearing opportunity on their proposal prior to the Legislative Session. Requesting the Council to sponsor specific Montana natural resource legislation is also a possibility.
- The Council's website will soon be up and running.

CONTACTS

Person: Kathleen Williams
Address: Environmental Quality Council
State Capitol
Helena, Montana 59620-1704
Telephone: (406)444-3742
E-Mail: teverts@mt.gov

Five Valleys Land Trust

OVERVIEW

Five Valleys Land Trust is a community-oriented land trust that works with private landowners to protect lands with important natural and public values through the use of voluntary conservation easements. Riparian areas and wetlands are priority lands in our conservation program.

Opportunities for Wetland Protection

Five Valleys Land Trust encourages and accepts conservation easements on property with natural or historic values. Once obtaining a conservation easement, FVLT provides long term stewardship of the protected land so the natural or historic values are preserved in accordance with landowner wishes. The Land Trust also helps provide focus for grass-roots conservation initiatives which seek to protect open space and natural areas at the community level.

CONTACTS

Person: Wendy Ninteman
Address: Five Valleys Land Trust
P.O. Box 8953
Missoula, MT 59807
Telephone: (406)549-0755
E-Mail: fvlt@montana.com



GENERAL INFORMATION

Selected State Information

Flathead Basin Commission

OVERVIEW

The Flathead Basin Commission was created in 1983 by an act of the Montana Legislature. It is mandated to monitor and protect the water quality of the Flathead River basin of northwest Montana. Commission membership consists of six citizens appointed by the governor, representatives of federal, state, tribal and local government agencies present in the basin in either land management or regulatory roles, and a liason representing the government of British Columbia. A non-regulatory organization, the Commission coordinates water quality monitoring and protection, serving as a link between the public and government agencies and encouraging public involvement through education and volunteer programs.

Opportunities for Wetland Protection

The FBC is the Montana Department of Environmental Quality's local partner for carrying out nonpoint source pollution reduction strategy to accomplish a Total Maximum Daily Load for Flathead Lake (TMDL). In this role, the Commission is interested in working with the public and other agencies to address wetland protection and restoration projects.

CONTACTS

Person: Mark Holsten, Public Information Officer
Address: Flathead Basin Commission
33 Second Street East
Kalispell, MT 59901
Telephone: (406)752-0081
E-Mail: fbc@digisys.net

RELATED PROGRAMS

- The Flathead River Partnership, organized to advocate more responsible land management and recreational use in the main stem of the Flathead River;
- Basin Watch, the Commission's lake-based Volunteer Monitor Program.

Flathead Land Trust

USDA-NRCS

OVERVIEW

The Flathead Land Trust is directed by a board of local trustees responsible for its operation. The directors utilize the skills and expertise of numerous advisors from a variety of fields ranging from agriculture, forestry, law, environmental studies, and public service. All share a common commitment to the quality of life and continued community sustainability.

The purposes of the Trust include: education on matters related to land use planning for conservation purposes; encouragement of sound conservation practices with respect to land and water resources in and around the Flathead Valley; and conservation and acquisition of land to preserve, protect and enhance the natural, scenic, recreational and productive values which the Flathead cherishes.

OPPORTUNITIES FOR WETLAND PROTECTION

What the Land Trust Offers:

- tax-exempt status which makes substantial tax benefits available to those who donate land, money or conservation easements;
- assistance to landowners in determining which features of their land are in the public interest to protect; and help in working through plans for preserving those features;
- information about conservation easements and other land protection techniques; estate matters such as wills and family trusts; charitable remainder trusts; reserved life estate or lease backs; bargain sales with tax savings; income property; options to purchase; neighborhood preservation and transfer of development rights.

CONTACTS

Person: Susan How, Executive Director
Address: Flathead Land Trust
P.O. Box 1913
Kalispell, MT 59903
Telephone: (406)752-8293

GENERAL INFORMATION

Selected State Information

Gallatin Valley Land Trust

OVERVIEW

Gallatin Valley Land Trust is a private non-profit membership organization dedicated to the conservation of open space, agricultural lands, wildlife habitat, and the creation of public trails, in and around Gallatin Valley. GVLT's primary program area is designing conservation easements for private landowners.

Opportunities for Wetland Protection

GVLT provides technical assistance to landowners interested in protecting the natural and agricultural characteristics of their properties through conservation easements. These easements usually entitle landowners to substantial income and/or estate tax benefits.

CONTACTS

Person: Jim Elias
Address: Gallatin Valley Land Trust
P.O. Box 7021
Bozeman, MT 59771
Telephone: (406)587-8404

Local Water Quality Protection Districts

USDA-NRCS

OVERVIEW

The Montana Local Water Quality District Act (1991) authorizes counties to establish districts to protect, preserve, and improve the quality of surface and groundwater. The districts operate with a board of directors and funding from an annual fee on property using water or producing waste within the district. Montana currently has four districts (Butte-Silverbow, Gallatin, Lewis and Clark County, and Missoula Valley water quality protection districts) and several other counties have expressed interest in forming districts. Local water quality protection districts each have unique water quality programs and work cooperatively with the DEQ. One district is evaluating the possibility of using wetlands for storm water treatment.

Opportunities for Wetland Protection

LWQD personnel can often assist local landowners or residents in identifying threats to wetlands relating to water quality and provide direction through the regulatory process.

CONTACTS

Person: Source Water Protection Section
Address: Montana DEQ
P.O. Box 200901
Helena, MT 59620-0901
Telephone: (406)444-4806
E-Mail: jmeek@mt.gov

GENERAL INFORMATION

Selected State Information

Montana Audubon

OVERVIEW

Montana Audubon Society is the umbrella organization for Montana's nine chapters of the National Audubon Society. The Chapters are located in the Flathead Basin, Missoula, Bitterroot Valley, Great Falls, Helena, Bozeman, Butte-Dillon, Billings, and Miles City. The organization is committed to protecting wildlife and natural communities through both activism and education.

Montana Audubon's mission is to enable Audubon members in all chapters across the state to work together so that Montana ecosystems will continue to nourish birds, other wildlife, and the human spirit for future generations.

OPPORTUNITIES FOR WETLAND

- **Wetlands**

Since the beginning of its wetlands work in 1992, Montana Audubon has prevented the loss of numerous acres of wetlands. Working with grassroots members and non-members, Audubon assists and organizes local citizens by providing technical information about wetlands laws, providing assistance researching and writing comments on 404 permits, and organizing citizens for public hearings or other local events.

- **Riparian Areas/Cottonwoods**

In 1996, MT Audubon initiated a project to protect cottonwoods. Cottonwood forests in Montana provide critical habitat for many species, especially birds. They are not regenerating, and the remaining groves are threatened by a variety of activities, including logging, grazing, subdivision and dam management. Audubon is currently working on a strategy to protect and restore this vanishing habitat emphasizing citizen science, public education, and advocacy.

- **Information Materials**

Montana Audubon published an award winning wetlands publication in October, 1993. The title: *Protecting Montana's Wetlands: An Overview of Montana's Section 404 Program*.

CONTACTS

Person: Janet Ellis
Address: Montana Audubon
P.O. Box 595
Helena, MT 59624
Telephone: (406)443-3949
E-Mail: mtaudubon@desktop.org

Montana Land Reliance

OVERVIEW

The Montana Land Reliance is a private non-profit land trust that works with private landowner's, using conservation easements. MLR assists landowner's in giving permanent protection from subdivisions and surface mining to private lands, including wetlands.

CONTACTS

Person: Bill Long
Address: Montana Land Reliance
P.O. Box 355
Helena, MT 59624
Telephone: (406)443-7027
E-Mail: mlr@desktop.org

GENERAL INFORMATION

Selected State Information

Montana Riparian and Wetlands Association (MRWA)

The University of
Montana

OVERVIEW

The Montana Riparian and Wetlands Association (MRWA) is a scientific-based cooperative comprising agencies and private organizations throughout Montana. The cooperative is housed at the University of Montana's School of Forestry and was formed in 1986.

OPPORTUNITIES FOR WETLAND PROTECTION

The Montana Riparian and Wetland Association goals are:

- complete the statewide riparian and wetland habitat type classification;
- refine and expand management information for riparian and wetland areas;
- provide training and continuing education in identification, function and management of riparian and wetland ecosystems;
- refine and expand knowledge on successional relationships and vegetation-physical site relationships for riparian and wetland habitat types;
- continue development of a coordinated riparian and wetland database;
- develop a better understanding of the cumulative effects of land use management activities on riparian and wetland ecosystems;
- inform private landowners of the benefits of properly functioning riparian and wetland areas, and sources of financial and technical assistance available to them.

CONTACTS

Person: Dr. Paul Hansen
Address: Montana Riparian and Wetland
Association (MRWA)
School of Forestry
University of Montana
Missoula, MT 59812
Telephone: (406)243-2050

Montana Water Resources Center

OVERVIEW

The Montana University System Water Center specializes in organizing partnerships between the university system and other entities (government, the private sector, community units, etc.) for the purposes of solving water-related problems. Examples include a *national* wild trout research initiative, a *regional* drinking water assistance program, and a *local* non-point source pollution project. The Center also creates and maintains a water information network on the WEB for all of Montana.

OPPORTUNITIES FOR WETLAND PROTECTION

- Potential grant and partnering opportunities;
- Networking with university expertise;
- Posting of events on WEB calendar.

CONTACTS

Address: Montana University System
Water Center
Montana State University-Bozeman
101 Huffman Building
Bozeman, MT 59717-2690

Telephone: (406)994-6690

E-Mail: wwwrc@gemini.oscs.montana.edu

Internet: <http://btc.montana.edu/watercenter>



GENERAL INFORMATION

Selected State Information

Montana Watercourse

OVERVIEW

The Montana Watercourse is a statewide water education program at Montana State University. The Program's mission is to foster lifelong stewardship of Montana's water resources by providing adult and youth educational programs and materials for all water users. The program has four general program components: Project WET Montana, for teachers and youth; Know Your Watershed, a community education project; Water Quality Monitoring, for citizens and teachers; and Wetlands Education.

OPPORTUNITIES FOR WETLAND PROTECTION

Educational Programs:

- Project WET Montana Wonder of Wetlands (WOW) Workshops. During 1998 and 1999, Project WET teacher training workshops will include instruction and resources on wetlands. Participants at WET/WOW workshops will each receive a copy of WOW! The Wonders of Wetlands, a sourcebook of information and teaching activities for teachers, grades K-12.
- Project WET Montana Tours. Watershed Tours for Teachers are designed to connect educators with wetlands and watershed experts at illustrative field sites. Through these field visits, the educators learn first-hand about the history, benefits, impacts and issues surrounding wetland and watershed sites. They then take these concepts and learn hands-on activities to bring the concepts back to their classrooms.
- Know Your Watershed (KYW) Workshops. KYW Workshops are community-based educational workshops that are custom-designed by a committee of interested, local watershed residents. Wetland education can be addressed at these educational workshops where the local KYW planning committee identifies a need or interest.
- Public Service Announcements promoting wetlands protection and conservation in Montana.

Information Materials:

- *A Catalog of Wetland Education Materials*
- *Who Does What With Montana's Wetlands*
- *A Landowner's Guide to Montana's Wetlands (Fall 1998)*

CONTACTS

Know Your Watershed

Person: Mary Ellen Wolfe, Program Dir.
Address: The Montana Watercourse
201 Culbertson Hall
Montana State University
Bozeman, MT 59717
Telephone: (406)994-1910
E-Mail: mwolfe@montana.edu

Information Materials:

Person: Teri Kolnik
Address: 201 Culbertson Hall
Montana State University
Bozeman, MT 59717
Telephone: (406) 994-6671

Project WET Montana

(WOW Workshops):
John Etgen, Coordinator
The Montana Watercourse & Project WET
201 Culbertson Hall
Montana State University
Bozeman, MT 59717
(406) 994-6425
jetgen@montana.campus.mci.net

Montana Watershed Coordination Council

OVERVIEW

The Montana Watershed Coordination Council serves as a forum to coordinate watershed planning activities in Montana. The Council meets quarterly. Ad hoc work groups carry out specific action items. Wetlands is the primary focus of one of these work groups.

Opportunities for Wetland Protection

The Council serves as a forum that establishes a strong link with local watersheds groups needing assistance to help enhance, conserve, and protect natural resources and sustain the high quality of life in Montana for present and future generations. It also serves as a statewide coordination network for Montana's natural resource agencies and private organizations to share resources, identify and capitalize on opportunities for collaboration, and avoid duplication of efforts. The Council fosters coordination, communication, and cooperation rather than setting policy or usurping any organizations' authority or responsibility. The Council encourages local people to take a proactive, collaborative approach that will address natural resource issues and concerns. Assistance to local planning groups is provided upon request to help them achieve their goals.

CONTACTS

Person Krista Lee-Campbell
Address: NRCS
DNRC-CARDD
1625 11th Avenue
P.O. Box 201601
Helena, MT 59620-1601
Telephone: (406)444-4253

GENERAL INFORMATION

Selected State Information

Montana Wetlands Council

DEQ

OVERVIEW

The Montana Wetlands Council serves as a forum to bring people with divergent interests in wetlands to work together toward responsible wetland stewardship. Membership in the Council is open to anyone with an interest in wetland issues. It currently consists of citizens, agency representatives, development and agricultural interests, industrial groups, consultants, and conservation groups (over 200 individuals and organizations). Council members volunteered to participate on work groups to address specific wetland issues, including education, data management, mitigation, classification and definition, policy, coordination, and regulatory requirements.

Opportunities for Wetland Protection

The Council developed a Draft Conservation Strategy for Montana's wetlands (7/24/97). In the draft document, the Council provided background information about Montana's wetlands and identified and developed action items to address Montanans' concerns about wetlands. The Council meets four times a year as a networking and information exchange forum and to collectively help implement those high priority action items which are broadly supported. Wetland education, completing a baseline wetland inventory for Montana, and providing technical assistance and landowner incentives have been identified as high priorities for implementation. Council meetings and working group meetings are open to the public.

CONTACTS

Person: Lynda Saul
Address: Pollution Prevention Bureau
Planning, Prevention and Assistance Division
Department of Environmental Quality
1520 East 6th Avenue
P.O. Box 200901
Helena, MT 59620-0901
Telephone: (406)444-6652
E-Mail: lsaul@mt.gov

Montana Wetlands Trust

OVERVIEW

A non-profit organization designed specifically to promote wetland conservation in Montana through education, stewardship, and restoration projects. The Trust works with tribes, state and federal agencies and private interests.

Opportunities for Wetland Protection

The Trust is at the center of a network of experienced wetlands professionals including a biologist, contractor, nursery specialist, landscape architect, surveyor and cartographer with a history of working together. The network has the skills to perform project feasibility analysis, project planning and cost projections, and project construction. The Trust can effectively participate throughout every step of a wetland restoration or creation project including the placement and management of a conservation easement where appropriate. These project services are conducted with maximum environmental compatibility and at costs which reflect the Trust's nonprofit status.

CONTACTS

Person: Charles van Hook
Address: Montana Wetlands Trust
517 Waukesha
Helena, MT 59601
Telephone: (406) 442-3199/431-2098
E-Mail: cvanhook@aol.com
Internet: wtIndtrust@aol.com

RELATED PROGRAMS

Wetland Mitigation - Section 404 of the Clean Water Act*,
Wetland Restoration - NRCS Wetlands Reserve Program, USDA Farm Bill*,
Wetland Education - EPA Wetlands Grants Program*

**These are the areas where the Trust is working on projects which have either been supported, are in progress, or where it plans future work.*

GENERAL INFORMATION

Selected State Information

Montana Wildlife Federation

OVERVIEW

The Montana Wildlife Federation (MWF) is a statewide, grassroots, citizen based organization dedicated to the promotion of wildlife, wildlife habitat, and wildlife related recreational opportunities for sportsmen and sportswomen. The MWF believes in the principle of public ownership of wildlife. It works to protect the right of all citizens to equally share and enjoy this resource. The MWF is independent of the National Wildlife Federation (NWF) but serves as the official Montana voting affiliate of the NWF.

OPPORTUNITIES FOR WETLAND PROTECTION

- Monitors governmental, commercial, industrial and private activities that affect natural resources;
- Defends public conservation, wildlife, and sportsmen education programs and symposiums;
- Provides a legislative lobbyist to represent the concerns of sportsmen, conservationists, and Montana's wildlife;
- Publishes *Montana Wildlife*, a bi-monthly newspaper, dedicated to conservation, wildlife, sportsman's issues, and our natural habitats;
- Acts as a liason between local sportsmen, landowners, state, county and federal agencies;
- Sponsors National Wildlife Week in Montana.

CONTACTS

Person: Tony Jewett
Address: P.O. Box 1175
Helena, MT 59624-1175
Telephone: (406)449-7604
E-Mail: mwf@desktop.org

Natural Heritage Program (NHP)

USDA-NRCS

OVERVIEW

The Montana Natural Heritage Program (MTNHP) is a centralized repository of information on biologically significant features in Montana, emphasizing species and communities that are sensitive, threatened, endangered, or in need of further research.

Opportunities for Wetland Protection

The Natural Heritage Program focuses on biodiversity information — plants, animals and natural communities — emphasizing those that are rare, threatened or endangered. MTNHP is in the process of compiling information on wetlands of high conservation or mitigation value.

CONTACTS

Person: Margaret Beer
Address: MT Natural Heritage Program
1515 East 6th Avenue
Helena, MT 59620
Telephone: (406)444-3009
E-Mail: mtnhp@nris.mt.gov
Internet: <http://nris.mt.gov>

GENERAL INFORMATION

Selected State Information

Natural Resources Information System

**MT State
Library**

OVERVIEW

NRIS is an information clearinghouse for Montana natural resources. NRIS was designed to simplify the task of identifying and acquiring natural resources information. As a program of the Montana State Library, NRIS's mission is to make information on Montana's natural resources easily and readily accessible.

NRIS has several components that work directly with wetlands and wetlands information. Several projects are underway within the Water Information Component to provide access to wetlands data and maps. In addition, the **Natural Heritage Program** is actively engaged in making information on wetland related plant and animal species available as well as collecting new information on significant wetlands.

Opportunities for Wetland Protection

The Natural Resource Information System works to ensure equitable access to natural resource information for all of Montana's citizens, governments, businesses, and industries by using new and emerging information technologies. NRIS develops state-of-the-art tools to make information easier to use, and increases the value of existing natural resource information by facilitating information sharing.

CONTACTS

Person: Duane Anderson
Address: Water Information Coordinator
Montana Natural Resources Information System
1515 East 6th
Helena, MT 59620-1800
Telephone: (406) 444-5354
Fax: (406) 444-0581
Internet: <http://nris.mt.gov>

Nature Conservancy

OVERVIEW

The Nature Conservancy is an international non-profit conservation organization. The Mission of The Nature Conservancy is to preserve the plants, animals, and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive.

Opportunities for Wetland Protection

The Nature Conservancy offers a wide variety of conservation options related to wetland protection. Conservation actions may include fee-title ownership and management of land, conservation easements, cooperative protection projects with public and private conservation interests, cooperative management projects with private landowners.

All projects completed by the Montana Chapter are focused on biologically significant wetlands and other natural communities within the state. Generally these areas support rare or declining plant or animal species. The Conservancy is not a granting organization.

Wetland education opportunities are available in Montana through the Pine Butte Swamp Preserve.

CONTACTS

Person:	Bernie Hall	(vacant)
Address:	Director of Conservation The Nature Conservancy 32 South Ewing Helena, MT 59601	Pine Butte Education Coordinator Pine Butte Preserve HC 58, Box 34B Choteau, MT 59422
Telephone:	(406)443-0303	(406)466-5526

GENERAL INFORMATION

Selected State Information

Riparian and Wetland Research Program

The University
of Montana

OVERVIEW

The Riparian and Wetland Research Program (RWRP) is an arm of the Montana Forest and Conservation Experiment Station within the School of Forestry at the University of Montana, Missoula that deals with issues relating to the ecology and management of riparian areas and wetlands of the state and the region. RWRP also performs research and outreach services for the **Montana Riparian and Wetland Association (MRWA)**, which was formed in 1986 to address growing concerns over impacts to Montana's riparian and wetland areas.

OPPORTUNITIES FOR WETLAND PROTECTION

The Mission of the Riparian and Wetland Research Program (RWRP) is to:

- further the understanding of riparian and wetland areas of Montana and the surrounding region;
- conduct research directed toward helping land managers in Montana and the surrounding region to make better informed decisions about riparian and wetland areas;
- make available the findings from our work via publications, workshops, and symposia presentations;
- maintain a publicly accessible database of regional riparian and wetland site information;
- provide research opportunities for graduate students interested in riparian and wetland ecology and/or management and work experience in these fields for other students;
- contribute to public education about riparian and wetland issues and participate in the public dialogue on these matters.

CONTACTS

Person:	Bob Ehrhart	Dr. Paul Hansen
Address:	School of Forestry University of Montana Missoula, MT 59812	RWRP/School of Forestry The University of Montana Missoula, MT 59812
Telephone:	(406)243-4265	(406) 243-2050
E-Mail:	ehrs@selway.umt.edu	plhansen@selway.umt.edu
Internet:	http://rwrp.umt.edu/	

RELATED PROGRAMS

RWRP conducts a wide variety of research projects and educational programs.

Rocky Mountain Elk Foundation

USDA-NRCS

OVERVIEW

The Rocky Mountain Elk Foundation is an international non-profit wildlife conservation organization which works to ensure the future of elk and other wildlife habitat. The Foundation contributes funds towards elk related habitat acquisition, habitat improvement, conservation education, hunting heritage, elk-related research and management. It also works with partnerships, combined or matching funds from public resource agencies, and private donations to complete conservation and improvement projects for wildlife habitat.

Opportunities for Wetland Protection

Tax exempt status 501(c)3 charitable organization, conservation easements, land acquisition, habitat improvement, conservation education, gifts, annuities, deferred gifts, bequests, etc.

CONTACTS

Person: J. Scott Laird - Lands Program Manager
Address: Rocky Mountain Elk Foundation
2291 West Broadway
Missoula, MT 59802
Telephone: (406)523-4583
E-Mail: slaird@rmef.org
Internet: <http://www.rmef.org>

RELATED PROGRAMS

Youth conservation education, women outdoor skills programs, scholarships, conservation writings and publications.

GENERAL INFORMATION

Selected State Information

State Comprehensive Outdoor Recreation Plans

MTFWP

OVERVIEW

Montana has completed a State Comprehensive Outdoor Recreation Plan (SCORP) every five years since 1965 to remain eligible for federal **Land and Water Conservation Program (LWCF)** funding. However, the state has not received LWCF dollars for the last two years, and the future of the program is in question. The last SCORP was completed in 1993, and included a section on MT wetlands.

JURISDICTION

- National Parks Service guidelines require a review of state wetlands planning in SCORP documents.

LEGISLATIVE AUTHORITY

- Section 23-2-102 MCA authorizes Montana's participation in the federal LWCF program, which includes SCORP documents.

CONTACTS

Person: Jeff Erickson
Address: FWP - Parks
1420 East 6th Avenue
Helena, MT 59620
Telephone: (406)444-3818
E-Mail: jerickson@mt.gov
Internet: <http://www.fwp.gov>

RELATED PROGRAMS

Montana State Trails Plan (in progress), Montana State Park System Plan (in progress)

Trout Unlimited

OVERVIEW

Montana Trout Unlimited's 13 chapters are available to help fund partnerships with landowners and agencies planning riparian enhancement projects. TU chapters can help plan, fund and implement projects.

CONTACTS

Person: Bruce Farling
Address: Montana Trout Unlimited
P.O. Box 7186
Missoula, MT 59807
Telephone: (406)543-0054
E-Mail: montrout@montana.com

GENERAL INFORMATION

Selected State Information

Wetland Water Quality Standard

DEQ

OVERVIEW

The DEQ has been developing bioassessment protocols to evaluate wetland condition since 1992 and is funded through the USEPA Wetland Protection Grants Program. As of September, 1997, the DEQ has sampled over 100 wetlands throughout the State of Montana. Assessment protocols are being developed using vegetation, macroinvertebrates and algae.

The purpose of developing the assessment protocols is to evaluate the wetland's ability to support and maintain a balanced, adaptive community of organisms having species composition, diversity, and functional organization comparable to that of minimally-disturbed wetlands within a region. The condition of the biota will reflect any chemical, physical, biological impairment and will help diagnose stressors.

OPPORTUNITIES FOR WETLANDS PROTECTION

- Establish numeric biological criteria for wetlands as part of water quality standards;
- Assess wetlands to determine if they are meeting water quality standards;
- Evaluate performance of wetland restoration activities at improving the ability of wetlands to support and maintain wetland plants and animal assemblages;
- Administer **Clean Water Act Section 401** water quality certification programs;
- Track condition of wetlands as part of CWA section 305(b) water quality reports to Congress;
- Evaluate impacts of projects which result in degradation of wetland ecosystems, including the comparison of project alternatives. Projects include those related to **CWA section 404 dredge and fill permits**, the **Swampbuster** provision of the Food Security Act, or other relevant projects that seek to detect significant alterations of wetland ecosystems through an analysis of change in functions;
- Evaluate restoration projects designed to improve wetland conditions by estimating changes in functioning over time.

CONTACTS

Person: Randy Apfelbeck
Address: Monitoring and Data Management Bureau
Department of Environmental Quality
2209 Phoenix Avenue
P.O. Box 200901
Helena, MT 59620-0901
Telephone: (406)444-2709
E-Mail: rapfelbeck@mt.gov

RELATED PROGRAMS

Clean Water Act

Clean Water Act Section 404 Permit Program: Dredge and Fill Permit

COE

OVERVIEW

This program requires that a 404 permit be obtained from the U.S. Army Corps of Engineers for placement of dredged or fill material in “waters of the United States.” The definition of waters of the U.S. is very broad and includes wetlands.

Permits to authorize placement of dredged or fill material in waters of the U.S., including wetlands, can occur through either individual 404 permits, nationwide, or regional general 404 permits. Larger dredge and fill projects are generally authorized through the individual permit process, whereas smaller projects (those that are expected to have minimal individual or cumulative impacts) are authorized under nationwide or regional general permits, which undergo less review and sometimes can be issued with little or no paperwork.

JURISDICTION

- Below the Ordinary High Water Mark of rivers, streams, creeks, lakes, and within the delineated boundaries of wetlands.

LEGISLATIVE AUTHORITY

- 33 U.S.C. 1344

CONTACTS

Person: Jean Ramer or Doug McDonald
Address: US Army Corps of Engineers
301 S. Park Avenue, Drawer 10014
Helena MT, 59626-0014
Telephone: (406) 441-1375

RELATED PROGRAMS

Section 401 of the Clean Water Act (33 U.S.C. 1341)

Clean Water Act Section 404 Permit Review

EPA/COE

OVERVIEW

The Army Corps of Engineers has primary responsibility for the 404 permit program and is authorized, after notice and opportunity for a public hearing, to issue permits for the discharge of dredged or fill material into "waters of the U.S.," including wetlands, as long as the proposed activity is in compliance with environmental guidelines (the Section 404(b)(1) guidelines).

JURISDICTION AUTHORITY

EPA & COE are joint Federal partners authorized to carry out regulatory authority of CWA Section 404 responsibilities. This includes for EPA:

- development of environmental criteria used in the guidelines referred to as 404(b)(1) Guidelines;
- assuring environmental evaluations comply with restrictions on discharge of fill on waters of the U.S.;
- 404(c) veto authority to request denial of permits/activities that do not comply with restrictions and;
- enforcement authority to require mitigating remedies, civil or criminal penalties. EPA provides comments to COE on projects required to be permitted via federal 404 permit process.

LEGISLATIVE AUTHORITY

- The Clean Water Act

CONTACTS

Person: Dick Blodnick
Address: U.S.E.P.A. Region 8
Montana Office
Federal Building, Drawer 10096
301 South Park
Helena, MT 59626-0026
Telephone: (406)441-1140 x231
E-Mail: blodnick.richard@epamail.epa.gov

Endangered Species Act

USDI-USFWS

OVERVIEW

The purposes of the Endangered Species Act are (1) to provide means whereby the ecosystems upon which endangered and threatened species depend may be conserved; (2) to provide a program for conservation of such endangered and threatened species; and (3) to take such steps as may be appropriate to achieve the purposes of other treaties and conventions that the United States has pledged itself to in the international community to conserve to the extent practicable the various species of fish, wildlife and plants facing extinction. In Montana, almost all of the endangered and threatened species depend on or use wetland and/or riparian habitats. Protecting remaining wetland habitats will not only help in the recovery of Montana's listed species but will help assure that additional species need not be listed pursuant to this Act.

LEGISLATIVE AUTHORITY

- Endangered Species Act

CONTACTS

Person: Field Supervisor
Address: U.S. Fish and Wildlife Service
100 North Park, Suite 320
Federal Building
Helena, MT 59601
Telephone: (406)449-5225

RELATED PROGRAMS

National Wildlife Refuge System

National Environmental Policy Act

OVERVIEW

The National Environmental Policy Act (NEPA) declared a national policy for the environment; established the White House Council on Environmental Quality; and set out a process for ensuring that environmental impacts be analyzed and considered in federal decision making. Impacts to wetlands from federal actions (e.g., federally assisted or approved projects) must be analyzed and documented. This includes analysis and documentation to avoid, minimize, rectify, reduce, and/or compensate for impacts to wetlands. Federal actions having a “significant” impact on the environment must be analyzed and documented in a detailed environmental impact statement (EIS).

JURISDICTION

- All federal agencies are required to conform to NEPA procedure for environmental review of agency actions.

LEGISLATIVE AUTHORITY

- National Environmental Policy Act, NEPA, Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975 and Pub. L. 94-83, August 9, 1975

CONTACTS

Contact Individual Federal Agencies to determine their NEPA contact staff person(s).

RELATED PROGRAMS

Montana Environmental Policy Act (MEPA) (State law modeled after NEPA to require environmental review of state actions).

National Flood Insurance Program

OVERVIEW

The National Flood Insurance Program (NFIP) was created by Congress in 1968, offering nonstructural approaches to reduce flood damage. Congress created this voluntary program to address the problem of increasing annual flood losses. For decades the federal response to flood disasters was limited to building flood control works and providing disaster relief to flood victims. The program's purpose is to make flood insurance available to guide future floodplain development.

JURISDICTION

- The NFIP works on the basis of an agreement between the federal government and flood-prone communities that choose to participate in the program. Local floodplain regulations must meet the minimum NFIP requirements established by the federal government, and jurisdiction remains with the local government.

LEGISLATIVE AUTHORITY

- 44 CFR

CONTACTS

Person: Local Floodplain Administrator
or
Karl Christians
Address: DNRC
48 North Last Chance Gulch
Helena, MT
Telephone: (406)444-6654
E-Mail: kchristians@mt.gov

RELATED PROGRAMS

Montana Floodplain & Floodway Management Act
(Floodplain Development permit)

Section 10 of the Federal Rivers and Harbors Act

COE

OVERVIEW

Section 10 of the Federal Rivers and Harbors Act of 1899 (33 U.S.C. 403) requires authorization by the Corps of Engineers for alteration of any navigable water of the United States. The term "navigable water" under the Rivers and Harbors Act of 1899 is much narrower than the term "waters of the United States" in the Clean Water Act.

JURISDICTION

- Only three waterways in Montana are considered navigable waters under the Rivers and Harbors Act of 1899. The Missouri River from Three Forks, Montana, downstream to the North Dakota border; the Yellowstone River from Emigrant, Montana, downstream to the North Dakota border; and the Kootenai River from the Canadian border downstream to Jennings, Montana.

LEGISLATIVE AUTHORITY

- 33 U.S.C. 403

CONTACTS

Person: Jean Ramer or Doug McDonald
Address: Corps of Engineers
301 South Park, Drawer 10014
Helena, MT 59626-0014
Telephone: (406)441-1375

Section 404 of the Clean Water Act: Advanced Identification

COE

OVERVIEW

Section 404 of the Clean Water Act is the primary federal program regulating activities in wetlands. The section 404 program is administered by both the Army Corps of Engineers and the U.S. Environmental Protection Agency.

Section 230.80 of the Section 404(b)(1) guidelines of the Clean Water Act provides for a planning process whereby the U.S. EPA and the Corps identify wetlands that are generally suitable or unsuitable for discharge permits in advance of any specific permit applications. Unless tied to general permitting or other regulatory authority, designation of sites as generally suitable or unsuitable for disposal is a guide to but not a guarantee of permit issuance or denial.

JURISDICTION

- Advanced Identification (ADID) requires careful analysis of the ecological conditions and possible impacts of prospective development activities on existing ecosystems. The process generally involves a cooperative effort among state, federal and sometimes local agencies to inventory, categorize, and map wetland resources. EPA and the Corps then issue a public notice of the suitable/unsuitable designations for public review.

LEGISLATIVE AUTHORITY

- The Clean Water Act

CONTACTS

Person: Dick Blodnick
Address: U.S.E.P.A. Region 8
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301 South Park
Helena, MT 59626-0026
Telephone: (406)441-1140 x231
E-Mail: blodnick.richard@epamail.epa.gov

Montana Floodplain and Floodway Management Act (Floodplain Development Permit)

DNRC

OVERVIEW

The Montana Flood Plain and Floodway Management Act (1971) authorized DNRC to delineate the 100 year floodway and floodplain of every watercourse in the state and to restrict use of these designated areas to those uses that will not seriously damage or present a hazard to life, if flooded. Both federal and state governments have established floodplain measures in most Montana communities.

OPPORTUNITIES FOR WETLAND PROTECTION

- The Montana Floodplain and Floodway Management Act prohibits fill, structures and excavations on floodways that would restrict, would significantly obstruct, alter flood flows or increase the 100-year flood level. Restrictions in floodplain management programs can provide considerable protections for wetlands in floodways.
- Montana can require communities to exceed the minimum standards of the **National Flood Insurance Program (NFIP)**. Several states have done this through a variety of measures, such as accounting for future watershed conditions in mapping flood plains, defining more restrictive floodways (i.e., a zero rise floodway), and prohibiting a broader range of activities than the federal program.
- Floodplain managers can promulgate combined ordinances for flood loss reduction and wetland protection. State and local watershed management plans can incorporate flood loss reduction and wetlands protection goals and objectives.

JURISDICTION

- New construction planned within a designated 100 year floodplain (Check with local officials to determine whether a 100-year floodplain has been designated for the stream of interest.)

LEGISLATIVE AUTHORITY

- Montana Floodplain and Floodway Management Act (Floodplain Development Permit)

CONTACTS

Person: Karl Christians
Address: Department of Natural Resources and Conservation
48 North Last Chance Gulch
Helena, MT
Telephone: (406)444-6654

RELATED PROGRAMS

National Flood Insurance Program (NFIP)

Montana Stream Protection Act (124 permit for government entities)

DFWP

OVERVIEW

The Montana Stream Protection Act requires state and local government entities proposing projects which will disturb the bed on banks of Montana streams to receive authorization (often called 124 permits) from the Department of Fish, Wildlife, and Parks (DFWP). The Act does not specifically apply to disturbances to wetlands unless wetlands are found on or within the banks.

Application must be submitted at least 60 days prior to construction. DFWP provides application forms. Recommendations are made to the applicant to eliminate or reduce impacts to fish and wildlife. The law provides for an arbitration process in the event of a dispute. Fines may be issued for violations.

JURISDICTION

- Agencies or subdivisions of federal, state, county, or city government proposing a project that may affect the bed or banks of any stream in Montana

LEGISLATIVE AUTHORITY

- Montana Stream Protection Act

CONTACTS

Person: Glenn Phillips
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LEGISLATIVE AUTHORITY

Natural Streambed and Land Preservation Act (310 Permit) is a similar program which applies to the private sector. This law is administered by County Conservation Districts.

Montana Water Use Act (Water Right Permit)

DNRC

OVERVIEW

Water rights are legally defined allocations of water for specific uses. Water rights in Montana are guided by the prior appropriation doctrine in which water rights are not tied to ownership of riparian lands, but are owned by the state, which then permits use of the water to individuals. Under the principle, “first in time, first in right”, the first person to use water for a beneficial use establishes the first right, the second person could establish a right for a beneficial use of the water that was left, and so on. In Montana the passage of the Montana Water Use Act in 1973 was the most comprehensive change in Montana’s water right laws in the state’s history and included a provision to reserve water to maintain minimum streamflows to protect environmental values, which can include protecting adjacent wetlands.

OPPORTUNITIES FOR WETLAND PROTECTION

- Montana’s water rights law includes fish and wildlife recreation as “beneficial uses”, allowing water rights permits to be obtained for protection purposes.
- DFWP holds several water rights to protect state wildlife management areas, including a water right for Black Butte Swamp to protect marshy habitat important for bears. This avenue could be pursued for other important wetlands with fish, wildlife, and recreational benefits.
- In many states, water rights are being transferred from consumptive uses to wetlands protection. In Nevada, for example, **The Nature Conservancy** and the U.S. Fish and Wildlife Service are acquiring irrigation water rights and transferring these rights to provide water to maintain the wetlands in Stillwater National Wildlife Refuge.

JURISDICTION

- At times, a diversion of water may be needed to protect a wetland. The state cannot issue a water right for natural wetland areas.

LEGISLATIVE AUTHORITY

- Montana can approve a change of an existing consumptive right to “instream flow”. Both private individuals and the DFWP have that ability. Individuals must go through the change process to get authority for the change in their right.

CONTACTS

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Section 401 of the Clean Water Act: Water Quality Certification

DEQ

OVERVIEW

Section 401 of the Clean Water Act requires that federal permits or licenses (including 404 permits) that can result in discharges of pollutants to waters of the U.S. receive certification from the state or tribes (Salish, Kootenai and Fort Peck) that such discharges will not violate applicable water quality standards. In Montana, 404 permits receive 401 certification from DEQ, tribes or the EPA within the boundaries of Indian Reservations that have not assumed such authority. DEQ is developing wetlands criteria and biological assessment protocols for water quality standards. MT DEQ can deny certification or condition the certification of certain U.S. Army Corps of Engineers permits to provide for greater wetland/aquatic resource protection.

Temporary Exemption From State Water Quality Standards: (3As)

DEQ authorizes temporary exemptions from state water quality standards for activities in state waters that will cause short-term violation of the standards. Most of the authorizations involve construction activities in water that will violate the turbidity and sedimentation standards.

JURISDICTION

- Under Section 401 of the National Clean Water Act, states have the authority to review any federal permit or license that may result in a discharge to wetlands and other waters under state jurisdiction, in order to ensure that the actions are consistent with the state's water quality standards. MT DEQ can deny certification of certain U.S. Army Corps of Engineers permits to provide for greater wetland/aquatic resource protection.

LEGISLATIVE AUTHORITY

- National Clean Water Act (401)
- Montana Water Quality Act (3As)

CONTACTS

State

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Tribal Areas

Barb Burkland
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Federal Building, 301 S. Park
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Tribal Wetland Grants

Person: Bernadette Tsosie
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Storm Water Discharge Permits

DEQ

OVERVIEW

The MPDES Permits Section of the Montana DEQ permits storm water discharges to wetlands from industrial, construction, mining, oil and gas activities. In addition, it advises the public concerning proper management of storm water discharges to wetlands in relation to the nondegradation policy of the Montana Water Quality Act. The program also advises the public concerning storm water treatment wetland requirements (constructed wetlands).

JURISDICTION

- The state of Montana, excluding Indian Reservations

LEGISLATIVE AUTHORITY

- Storm Water Discharge Permits

CONTACTS

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